

**18274. Adulteration of evaporated apples. U. S. v. 15 Boxes of Evaporated Apples. Default decree of destruction entered.** (F. & D. No. 25457. I. S. No. 10455. S. No. 3721.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On December 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 boxes of evaporated apples, remaining in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped by Claypool & Hazel, Springdale, Ark., on or about October 16, 1930, and had been transported from the State of Arkansas into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "New York Stores Mercantile Co. Cairo, Illinois \* \* \* Good Night Brand Evaporated Apples Claypool & Hazel Springdale, Arkansas."

It was alleged in the libel that the article was adulterated in that water had been substituted in part for the said article, and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength.

On June 2, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18275. Misbranding and alleged adulteration of frozen mixed eggs. U. S. v. 353 Cans of Frozen Mixed Eggs. Consent decree of condemnation entered. Product released under bond.** (F. & D. No. 25781. I. S. No. 26648. S. No. 4023.)

Samples of frozen mixed eggs from the shipment herein described having been found to be decomposed, and labeled as complying with all pure food laws, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Michigan.

On January 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 353 cans of frozen mixed eggs, remaining in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce, on or about September 23, 1930, by the A. F. Thibodeau Co., Detroit, Mich., from Toledo, Ohio, into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed Frozen Eggs, Best Quality, \* \* \* Mixed and Guaranteed to comply with all pure food laws."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed animal substance.

Misbranding was alleged for the reason that the following statements, borne on the labels of the cans containing the article, "Best Quality \* \* \* mixed and guaranteed to comply with all pure food laws," were false and misleading and deceived and misled the purchaser, since the product was not of the best quality and did not comply with the Federal food and drugs act.

On February 13, 1931, the A. F. Thibodeau Co., Detroit, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned, and it was further ordered by the court that the said product be released to the claimant for salvaging under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18276. Adulteration of canned salmon. U. S. v. 14 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 25871. I. S. No. 2245. S. No. 4102.)

Samples of canned salmon from the shipment herein described having been found to be tainted and stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On February 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about August 23, 1930, by the Kustatan Packing Co., from Seldovia, Alaska, in